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C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 001908

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SUBJECT: FRG PROTEST AFTERMATH: GUATEMALA MORE FRAGMENTED THAN EVER

Classified By: A/DCM David Lindwall for reason 1.5 (b) and (d).

1. (C) Summary: Unexpected legal setbacks to the registration of former General Rios Montt's presidential candidacy have led to profound frustration among FRG leaders. They view Rios Montt as the only FRG candidate who has a chance of winning the elections, and the biggest draw for voters to support their congressional slate. The possibility that legal appeals could derail Rios Montt's candidacy led the FRG to use violent street protests July 24-25 to send the signal that they are prepared to raise the stakes in order to ensure that Rios Montt can run. Most of the opposition, which with civil society has formed a "Civic Front for Democracy in Guatemala," is equally determined to keep him out of the race, although some might be willing to accept a new Constitutional Court decision if its magistrates were selected in a transparent manner. Both sides are insisting that international mediation favor their all-or-nothing positions. Contacts in the opposition and the police believe violence will escalate following the next ruling of the Supreme Court (expected in the next ten days), which is not expected to favor Rios Montt. OAS Election Observation Mission chief Paniagua arrived in Guatemala on July 25. In a meeting with the Ambassador on July 27, he seemed to have a good grasp of the immediate crisis and, while cautious, he did not rule out a de facto mediation role. It will not be an easy task. End summary.

2. (C) Violent street protests on July 24-25 organized by the FRG have raised the stakes significantly in the confrontation between the ruling party and practically all organized sectors of Guatemalan society, and have planted the flag that the FRG is prepared to use violence to keep their candidate from being disqualified in the upcoming elections. The highly orchestrated protests were sparked by the FRG's frustration over setbacks in their legal fight to register former General Efraín Rios Montt as their presidential candidate. The FRG viewed the decision by the Supreme Court to hear an appeal to the Constitutional Court's decision that Rios Montt could run not only as illegal (note: some of our viscerally anti-FRG contacts agree that the Supreme Court's challenge was at a minimum unprecedented, and probably unconstitutional. End note), but also signaled that the opposition could manipulate the courts to keep Rios Montt out. Having been deprived of the legal recourses they thought they had secured through painstakingly packing the Constitutional Court, the FRG leadership chose to fall back on violence and intimidation. Spray-painting epitaphs against the rich and bringing the violence for the first time to wealthy neighborhoods, the FRG has shown that they are prepared to add class conflict to their unsteady mix of populism.

3. (C) Foreign Minister Gutierrez told the Ambassador that the protests were organized by the FRG (despite Rios Montt's public denials), and that the General had assured President Portillo that they would be peaceful. Gutierrez said that Portillo and Minister of Government Reyes Calderon were determined to keep order, but that sympathy by many police officers with the FRG and orders for the police not to provoke violence had led the police to not confront the protesters. He speculated that the images of chaos in the streets of the capital carried by the media would scare most Guatemalans and in the end work against the FRG in the upcoming elections. He argued, however, that the fight between the Supreme Court and the Constitutional Court was a standoff, and opined that the only solution at this point is political, not juridical. Gutierrez suggested that only the Ambassador, Archbishop Quezada and OAS Electoral Observation Mission (EOM) head Paniagua have the credibility to mediate an agreement between the parties which could resolve the tension without further violence.

4. (C) GOG Ambassador to the U.S. Antonio Arenales and FRG Congresswoman (and daughter of the FRG Presidential candidate) Zury Rios told us separately on July 25 that the only solution to the crisis is electoral, i.e. the opposition needs to withdraw its appeals before the Supreme Court, Rios Montt must be allowed to run for President, and let the people decide. Both said that the party faithful "would not sit back with their arms crossed" if the courts do not allow Rios Montt to run. Both told us that on that point there is no space for compromise. Zury Rios said that her father is the only candidate who can secure votes for their congressional candidates, and that for Rios Montt to be

excluded from the elections would mean the "extinction of the party." She said "the party faithful" would never give up Rios Montt's candidacy, and Ambassador Arenales said that the FRG would "do what ever it takes" to ensure Rios Montt could run. Both echoed Foreign Minister Gutierrez's call for the Ambassador to be a mediator, but it was clear their interpretation was for us to pressure the opposition to allow Rios Montt to become a candidate and have the matter resolved once and for all at the ballot box.

15. (C) The Supreme Court must resolve the appeals to Rios Montt's registration as a candidate by August 6. The FRG and the opposition expect the Court to uphold the appeals and deny Rios Montt's candidacy. The FRG would then appeal the case again to the Constitutional Court, where the FRG has more influence, but has no ironclad guarantee of winning. Even if the Constitutional Court did reaffirm its decision to allow Rios Montt to run, new appeals (not contemplated in the Constitution, but accepted by the Supreme Court as they did the last ones) could be filed, effectively tying up his candidacy beyond the September 9 deadline for filing. Chief of Police Manchame told us that any further legal setback for the FRG would likely lead to more violence, and that the police is inadequately prepared to contain it. Opposition leaders have also told us that they view the July 24-25 violence as only a foretaste by the FRG of greater violence to come.

16. (C) Meanwhile, the political opposition, civil society and the private sector have been further galvanized by the events of July 24-25 into a "Civic Front for Democracy in Guatemala" against the FRG (Note: A similar "National Assembly" was formed by many of the same groups and individuals in May, 1993, in opposition to the Serrano "auto-golpe." End note). Sensing the possibility that the legal process can be used to keep Rios Montt from becoming a candidate, there is a growing determination to press on. Civil Society reps told the Ambassador that they had already engaged the Inter-American Commission on Human Rights (which issued a statement condemning the violence), and are seeking support for an OAS Permanent Council session to invoke the democratic charter. The opposition believes that the FRG's violent actions greatly undermined any benefit of the doubt the international community was prepared to extend to the ruling party, and the opposition hopes to parlay the revulsion at the violent protests into greater international opposition to Rios Montt's candidacy. Similarly, the FRG recognizes that the violence of July 24-25 may have burned a bridge with the international community, and Zury Rios told us the FRG believes the USG has cast its lot in with GANA candidate Oscar Berger.

17. (C) OAS Election Observation Mission (EOM) head Valentin Paniagua arrived in Guatemala on July 25 for a visit scheduled to last through August 4. Foreign Minister Gutierrez told the Ambassador he had asked Paniagua to come straight from the airport to the MFA in order to engage him immediately in seeking a solution to this latest crisis. By the time the Ambassador and A/DCM met with Paniagua on July 27, he had (through facilitators) met with three top FRG leaders (but not Rios Montt), and seemed to have a good grasp of the psychological dynamics and legal architecture of the candidate registration crisis. He was clearly unenthusiastic about playing a formal mediation role, but did not rule a de facto one out.

18. (C) Comment: The FRG is desperate, and, rather than recognizing that its authoritarian style has deepened the confrontation, believes its electoral ambitions are being frustrated by a greedy private sector, a scheming political opposition and an unforgiving international community. Isolated and "misunderstood," the FRG has little to lose by pushing the limits of electoral campaign conduct. It is not clear how the courts will ultimately rule in the General's case or what other legal strategies the FRG may be contemplating, but it appears certain that tensions will grow as a compromise is not expected in the short term. Letting both sides stare into the abyss a little longer may be necessary to induce a modicum of flexibility on both sides.

HAMILTON